

[Sidewalk and Bikeway Facility Requirements Rules and Regulations]

Effective Date: JANUARY 1, 2012

I. AUTHORITY

Pursuant to the authority granted under Ordinance 1987-2008 passed December 15, 2008 (Section 2105.125 of the Columbus City Codes, 1959, as amended), the Director of Public Service hereby adopts, establishes, and publishes these rules and regulations to be effective at the earliest time allowed by law. These rules supersede rules previously promulgated on March 21, 2009.

II. APPLICATION

These rules and regulations shall apply to any and all development activity occurring on a parcel in the city of Columbus, abutting any public right-of-way, including other government agencies, as well as any public capital improvement project, pursuant to City Code Sections 2105.125 and 4307.29.

For private development, these rules and regulations are activated through (1) the re-zoning process, and/or (2) the variance process, and/or (3) the development plan approval process (One Stop Shop) and/or (4) the driveway permit process, as authorized in Columbus City Code Section 2105.20.

For capital improvement projects, these rules and regulations are activated through the project scoping process.

III. SUBMISSION OF PLANS

Plans describing the development activity, in accordance with the City's One Stop Shop plan approval process and/or applicable City Code, will be routed to the Director of Public Service, or designee for review of required sidewalks and bikeway facilities.

Plans submitted as part of the driveway permit process will be routed to the Director of Public Service or designee for review of the required sidewalks and/or bikeway facilities.

IV. REVIEW OF PLANS

A. Requirements

Before plan or driveway permit approval is granted, said plans must meet the requirements of these rules and regulations as well as all applicable city code. The following sidewalks and bikeway facilities requirements and standards are hereby imposed for purposes of increasing safety, facilitating general accessibility, providing links in an overall system of sidewalks and bikeways, supporting the use of mass transit, encouraging a balanced and complete transportation system, improving access to employment locations, providing access to recreation areas, facilitating accessibility for disabled persons, and otherwise promoting the general health, safety and welfare of the public.

1. Sidewalks must be constructed on all streets under the following conditions:
 - a) Developments and capital improvement projects where sidewalks do not presently exist; or
 - b) Developments and capital improvement projects where existing sidewalks do not meet current standards; or

- c) Developments where there is an addition to existing buildings or structures of 50% or more in total building square footage on the site.
- 2. Bicycle facilities must be constructed on all streets where designated by the Bicentennial Bikeways Plan.
- B. Materials

All sidewalks and bikeway facilities are to comply with (1) the City of Columbus Construction and Material Specifications and (2) Chapter 905 of City Code. They shall have a hard, improved surface as detailed in the current City of Columbus Standard Drawings, available for inspection in the office of the Director of Public Service, or designee or on the Department of Public Service website. Under special circumstances, other surfaces may be required or approved by the Director of Public Service or designee.

V. CONSTRUCTION EXEMPTION CONDITIONS

It is the desire and position of the city of Columbus that all required sidewalk and bike facilities be built in conjunction with development. However, the City recognizes that there may be unique circumstances where it may not be feasible or prudent to construct sidewalk and bikeway facilities at a development site at the time of development or in the existing public right-of-way. Such determination will be made by the Director of Public Service and may be for such as reasons as safety issues, economic waste or geographical features. Criteria for consideration of construction exemption include:

- A. Proximity to pedestrian generators and destinations; and
- B. Planned Capital Improvement Projects adjacent to the subject location; and
- C. Engineering feasibility; and
- D. Economic disparity; and
- E. Environmental consequences; and
- F. Severe topographical conditions; and
- G. Safety considerations; and
- H. Lack of adjacent sidewalk due to existing land use such as industrial, manufacturing and similar uses, and
- I. When prior decisions by the city to not construct sidewalk have been made, such as roadway construction without sidewalk through a manufacturing or industrial area or similar land uses; and
- J. Other factors that preserve the health, safety and welfare of the citizens of the city.

VI. CONSTRUCTION ALTERNATIVES

When it is found that construction of sidewalk and/or bikeway facilities at a development site at the time of development or in the existing public right-of-way is not immediately required, one of the construction alternatives below will be implemented, upon approval of the Director of Public Service:

- A. A deferment of sidewalk and/or bikeway facility construction to a certain future date that could be based on development phasing; or
- B. A deferment of sidewalk and/or bikeway facility construction to when sidewalk and/or bikeway facilities are constructed up to the subject property; or
- C. An alternate route through private property with dedicated public easement or public right-of-way; or
- D. An exemption for the construction of sidewalks or shared use paths, for which a monetary donation will be required. Monetary donations will be used exclusively for the design and construction of sidewalk or shared use paths, including wheelchair ramps, within the Community Planning Area (as defined in the Columbus Comprehensive Plan) in which the subject property is located, provided such projects have been planned. If no project is planned within the Community Planning Area in which the property is located at the time of monetary donation, said donation will be used for sidewalk or shared use path design and construction at other locations within the Community Planning Area; or

- E. An exemption for the construction of bikeway construction for any such facility other than a shared use path recommended by the Bicentennial Bikeways Plan, for which a monetary donation will be required. A construction exemption shall be granted so that such facilities are placed on a project-wide basis by the City at such time as deemed appropriate.
- F. In no instance shall a private or public entity not build or pay a fee in lieu of new sidewalk or bikeway facility construction, except as provided for in Section IX.

VII. CONSTRUCTION EXEMPTION PROCESS

A. Duly Authorized Applicants

- 1. A duly authorized applicant for a private developer may be the developer, the developer's site design engineer or attorney.
- 2. A duly authorized applicant for a public agency project may be the Department of Public Service Division of Design and Construction Administrator, or Division Planning and Operations Administrator. To ensure appropriate agency coordination, any other public agency seeking a construction exemption must apply through either Administrator.

B. Request for Construction Exemption

To request a construction exemption, the developer's duly authorized representative or duly authorized applicant for the public agency shall submit the following to the Division of Mobility Options Administrator:

- 1. Written request stating reasons for a construction exemption that reflect but are not limited to criteria in section V.A., per Department of Public Service forms; and
- 2. Copy of the plan showing the sidewalk or bikeway facility layout; and
- 3. Cost estimate of sidewalk or bikeway facility design, inspection and construction when the developer is making a case for economic disparity; and
- 4. Any other relevant documentation.

C. Review

The Division of Mobility Options Administrator will approve or deny construction exemption requests within 30 days after receipt of a complete request as follows:

- 1. Approval of the request with equivalent design and construction fee paid to the City for the purpose of building sidewalks or bikeway facilities; or
- 2. Approval with construction deferred to a specific future date, with acceptable surety provided to the city, to coordinate with impending construction of other projects; or
- 3. Approval with construction deferred to when sidewalk and/or bikeway facilities are constructed up to the subject property; or
- 4. Approval with recommendation provided for alternate route through private property with dedicated public easement or some other means; or
- 5. Denial of the request.

D. Calculation of Fee in Lieu of Sidewalk and Bikeway Construction

- 1. Guidelines for determination of location and cost estimation of sidewalk and bikeway facilities are available through the Department of Public Service
- 2. The developer or applying public agency will use the standard fees set by the City.

E. Collection of fees

- 1. Fees shall be collected at the time of development or plan or driveway permit approval.
- 2. A permanent special fund has been established, in which will be deposited monetary donations for sidewalks and bikeway facilities, and which will only be used for the purpose of design and construction of sidewalks and bikeway facilities.

VIII. APPEAL PROCESS

If the Division of Mobility Options Administrator disapproves the sidewalk or bikeway facility plans or denies a construction exemption request, the developer or applying public agency has the right to appeal the decision as follows:

- A. Request a hearing of the Transportation and Pedestrian Commission (T&PC) at the next scheduled meeting date, in writing, within 14 days of receipt of the disapproval or denial.
- B. The Division of Mobility Options Administrator will forward his/her denial along with the recommendation of the T&PC to the Director of Public Service for review.
- C. The Director of Public Service will render a final decision within 14 days of the T&PC hearing.

IX. RELIEF OF CONSTRUCTION REQUIREMENTS

- A. An applicant will be relieved of sidewalk and/or bikeway construction requirements under the following conditions:
 - 1. A sidewalk and/or bikeway facility meeting current standards and plans exists along the abutting roadway at the time of application; or
 - 2. The construction of a sidewalk and/or bikeway facility along the abutting roadway or roadways is planned within the current Capital Improvement Plan as adopted by City Council.
- B. In such cases of relief, the applicant and any heir, successor and assigns to the property requested for construction exemption are relinquished from any future requirement for construction, collection of fees, or assessments collected for the purpose of sidewalk or bikeways, exclusive of assessments for repair or replacement due to condition, or for future expansion of sidewalk and bikeway facilities.

BY ORDER:

MARK KELSEY
DIRECTOR
DEPARTMENT OF PUBLIC SERVICE